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| 10/553,827 | 10/20/2005 | Mauro Rossotto | 09952.0006 | 4000 |
| 22852 | 7590 | 10/02/2007 | | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | EXAMINER DONABED, NINOS J | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/553,827 | Applicant(s) ROSSOTTO ET AL. | |
| | Examiner Ninos Donabed | Art Unit 2109 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-52 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/20/2005, 02/16/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **27-52** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 27, 40, and subsequent dependent claims, the “**service contents**” and “**interpreting said packets**” are indefinite because they have an unclear meaning.

Regarding Claims 28, 41, and subsequent dependent claims, “**defining said corresponding service logic**” and “**add-on cartridge**” are indefinite because they have an unclear meaning.

Regarding Claim 30, “**presentation and interaction**” is indefinite because it has an unclear meaning.

Regarding Claims 32 and 43, “**content building blocks adapted to be shared**” and “**to co-ordinate**” are indefinite because they have an unclear meaning.

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Regarding Claim 39, "**mapping the actions**" is indefinite because it has an unclear meaning.

3. Claims **34 and 43**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 27, 30, 33-35, 38, 40, 44-46, 49, and 51 are rejected under 35

U.S.C. 102(e) as being anticipated by Kim et al. (**United States Patent Number 6,510,145**), herein referred to as Kim.

Regarding **Claim 27**, as best understood,

Kim discloses a method of providing multimedia service contents to at least one terminal via a wireless network including the steps of: **(See abstract, Kim discloses a mobile communication system)**

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generating delivery packets conveying both said service contents and a corresponding service logic; **(See Column 5 Lines 18-63 and Claims 1, 10, and 12, Kim discloses generating of packets)**

transmitting said packets to said at least one terminal; and **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets to a terminal)**

receiving said packets at said at least one terminal and interpreting said packets to obtain presentation of said multimedia service contents at said at least one terminal according to said corresponding service logic, **(See Column 6 Line 66 - Column 7 Line 26, Column 2 Lines 23-47, and Claim 3, Kim discloses receiving of voice packets at a terminal)**

whereby both said contents and said corresponding service logic being on said at least one terminal, said multimedia service contents can be presented interactively at said at least one terminal. **(See Column 9 Line 35 – Column 10 Line 24, and Claim 3, Kim discloses forward and reverse voice communication)**

Regarding **Claim 30**, as best understood,

Kim discloses the method of claim 27, comprising the step of providing at said at least one terminal at least one presentation and interaction module. **(See abstract and Column 3 Lines 36-63, Kim discloses two terminals, which interact with each other)**

Regarding **Claim 33**, as best understood,

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Kim discloses the method of claim 27, further comprising the steps of generating said delivery packets on the basis of a service standard template. **(See Column 3 Lines 36-63, Kim discloses a CDMA standard mobile communications network)**

Regarding **Claim 34**, as best understood,

Kim discloses the method of claim 33, wherein said service template is defined in a markup language such as XML. **(See Column 1 Lines 24 – 35, Kim discloses the Internet which has a markup language)**

Regarding **Claim 35**, as best understood,

The method of claim 27, comprising the step of using a mobile communications network as said wireless network. **(See abstract, Kim discloses a mobile communications network)**

Regarding **Claim 38**, as best understood,

Kim discloses the method of claim 27, further comprising the step of transmitting said delivery packets via a transport protocol selected from the group consisting of MMS, HTTP and HTTPS. **(See Column 1 Lines 24 – 35, Kim discloses the Internet which uses the HTTP communications protocol)**

Regarding **Claim 40**, as best understood,

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Kim discloses a client-server system for providing multimedia service contents to at least one terminal via a wireless network comprising: **(See abstract, Kim discloses a mobile communication system)**

a server configured for generating delivery packets conveying both said multimedia service contents and a corresponding service logic; **(See Claims 1, 10, and 12, Kim discloses generating of packets)**

said wireless network for transmitting said packets to said at least one terminal; **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets to a terminal)**

said at least one terminal being configured for receiving said packets and interpreting said packets to obtain presentation of said multimedia service contents at said at least one terminal according to said corresponding service logic, **(See Column 6 Line 66 - Column 7 Line 26, Column 2 Lines 23-47, and Claim 3, Kim discloses receiving of voice packets at a terminal)**

whereby both said contents and said corresponding service logic being on said at least one terminal, said multimedia service contents can be presented interactively at said at least one terminal. **(See Column 9 Line 35 – Column 10 Line 24, and Claim 3, Kim discloses forward and reverse voice communication)**

Regarding **Claim 44**, as best understood,

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Kim discloses the system of claim 40, wherein said server is configured for generating said packets on the basis of a service standard template. **(See Column 3 Lines 36-63, Kim discloses a CDMA standard mobile communications network)**

Regarding **Claim 45**, as best understood,

Kim discloses the system of claim 44, wherein said service template is defined in a markup language such as XML. **(See Column 1 Lines 24 – 35, Kim discloses the Internet which has a markup language)**

Regarding **Claim 46**, as best understood,

Kim discloses the system of claim 40, wherein said wireless network is a mobile communications network. **(See abstract, Kim discloses a mobile communications network)**

Regarding **Claim 49**, as best understood,

Kim discloses the system of claim 40, wherein said delivery packets are transmitted to said at least one terminal via a transport protocol selected from the group consisting of MMS, HTTP and HTTPS. **(See Column 1 Lines 24 – 35, Kim discloses the Internet which uses the HTTP communications protocol)**

Regarding **Claim 51**, as best understood,

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A computer program product directly loadable in the memory of a computer and including software code portions for performing the steps of claim 27, when said product is capable of being run on a computer. **(See rejection to Claim 27)**

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31, 32, 36, 37, 43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim.

Regarding **Claim 31**, as best understood,

Kim teaches the method of claim 27.

Kim does not explicitly teach the step of providing at said at least one terminal the service logic permitting at least one sequence of screens to be managed at said at least one terminal.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have known that a sequence of screens could be used within a computer because it was common in the art at the time the invention was made.

Regarding **Claim 32**, as best understood,

Kim teaches the method of claim 27.

Kim further teaches that a computer terminal is used. **(See abstract)**

Kim does not explicitly teach providing a plurality of information content building blocks adapted to be shared by a plurality of multimedia services wherein said service logic is adapted to co-ordinate differently said basic building blocks for different multimedia services.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that a computer terminal uses an operating system which manages a plurality of information content building blocks adapted to be shared by a plurality of multimedia services wherein said service logic is adapted to co-ordinate differently said basic building blocks for different multimedia services. In order for a computer to operate efficiently an operating system would have been commonly used.

Regarding **Claim 36**, as best understood,

Kim teaches the method of claim 35.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim does not explicitly teach the step of selecting said mobile communications network as one of a GPRS and a UMTS network.

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However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 37**, as best understood,

Kim teaches the method of claim 36.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim does not explicitly teach the step of transmitting said delivery packets via the data channel of said one of a GPRS and a UMTS network.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 43**, as best understood,

Kim teaches the system of claim 40.

Kim further teaches that a computer terminal is used. **(See abstract)**

Kim does not explicitly teach that said server is configured for providing a plurality of service content building blocks adapted to be shared by a plurality of said

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multimedia services, wherein said service logic is adapted to coordinate differently said basic building blocks for different multimedia services.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have known that a computer terminal uses an operating system which manages a plurality of information content building blocks adapted to be shared by a plurality of multimedia services wherein said service logic is adapted to coordinate differently said basic building blocks for different multimedia services. In order for a computer to operate efficiently an operating system would have been commonly used.

Regarding **Claim 47**, as best understood,

Kim teaches the method of claim 46.

Kim further teaches a CDMA mobile communications system. (**See Column 3 Lines 36-63**)

Kim does not explicitly teach the step of selecting said mobile communications network as one of a GPRS and a UMTS network.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 48**, as best understood,

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Kim teaches the method of claim 47.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim does not explicitly teach the step of transmitting said delivery packets via the data channel of said one of a GPRS and a UMTS network.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

8. Claims 28, 29, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Chang et al. **(United States Patent Number 6,308,178)**, herein referred to as Chang.

Regarding **Claim 28**, as best understood,

Kim teaches the system of claim 27.

Kim further teaches said server is configured for defining said corresponding service logic as a delivery application logic common to a plurality of multimedia services. **(See Column 4 Lines 31-63, the terminals have common channels, which would make any add-on components adaptable to the plurality of terminals)**

Kim does not teach the combination with at least one add-on cartridge specific to a given service.

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Chang teaches the combination with at least one add-on cartridge specific to a given service. **(See Column 6 Lines 29-65, add-on software cartridge)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Chang because a system with separable parts is easier and cheaper to maintain, if parts of the system malfunction.

Regarding **Claim 29**, as best understood,

Kim teaches the method of claim 28.

Kim further teaches the steps of: providing a server adapted to transmit said delivery packets to said at least one terminal; and **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets over a mobile communication network to a terminal)**

Kim further teaches generating a new multimedia service for the delivery to said at least one terminal **(See Claims 1, 10, and 12, Kim discloses generating of packets)**

Kim does not teach generating a respective add-on cartridge.

Chang teaches generating a respective add-on cartridge. **(See Column 6 Lines 29-65, add-on software cartridge)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Chang because a system with separable parts is easier and cheaper to maintain, if parts of the system malfunction.

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Regarding **Claim 41**, as best understood,

Kim teaches the system of claim 40.

Kim further teaches said server is configured for defining said corresponding service logic as a delivery application logic common to a plurality of multimedia services **(See Column 4 Lines 31-63, the terminals have common channels which would make any add-on components adaptable to the plurality of terminals)**

Kim does not teach the combination with at least one add-on cartridge specific to a given service.

Chang teaches the combination with at least one add-on cartridge specific to a given service. **(See Column 6 Lines 29-65, add-on software cartridge)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Chang because a system with separable parts is easier and cheaper to maintain if parts of the system malfunction.

Regarding **42**, as best understood,

Kim teaches the method of claim 41.

Kim further teaches the steps of: providing a server adapted to transmit said delivery packets to said at least one terminal; and **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets over a mobile communication network to a terminal)**

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Kim further teaches generating a new multimedia service for the delivery to said at least one terminal (**See Claims 1, 10, and 12, Kim discloses generating of packets**)

Kim does not teach generating a respective add-on cartridge.

Chang teaches generating a respective add-on cartridge. (**See Column 6 Lines 29-65, add-on software cartridge**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Chang because a system with separable parts is easier and cheaper to maintain if parts of the system malfunction.

9. Claims 39, 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Longworth et al. (**United States Patent Number 7,016,951**), herein referred to as Longworth.

Regarding **Claim 39**, as best understood,

Kim teaches method of claim 27, further comprising the steps of: providing said at least one terminal with a presentation and interaction module; (**See abstract and Column 3 Lines 36-63, Kim discloses two terminals, which interact with each other**)

Kim does not teach providing said at least one terminal with an interpreter module for mapping the actions and contents conveyed by the delivery packets onto said presentation and interaction module.

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Longworth teaches providing said at least one terminal with an interpreter module for mapping the actions and contents conveyed by the delivery packets (**See Column 3 Lines 37- 51 and Column 7 Line 44 through Column 8 Line 28, an interpreter module is taught**)

onto said presentation and interaction module. (**See figure 3 and claim 21, a presentation module is taught**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Longworth because a system made up of many different parts is easier and cheaper to maintain if parts of the system malfunction.

Regarding **Claim 50**, as best understood,

Kim teaches a terminal for use as said at least one terminal in the system of claim 40.

Kim does not teach said terminal including an interpreter module for processing the actions and contents conveyed by said packets (**Column 3 Lines 37- 51 and Column 7 Line 44 through Column 8 Line 28, an interpreter module is taught**)

onto a presentation and interaction module. (**See figure 3 and claim 21, a presentation module is taught**)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kim and Longworth because a system made up of

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many different parts is easier and cheaper to maintain if parts of the system malfunction.

Regarding **Claim 52**, as best understood,

A computer program product directly loadable in the internal memory of a computer and comprising software code portions for implementing the terminal of claim 50, when said product is capable of being run on a computer. **(See rejection to Claim 50)**

Conclusion

10. Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ninos Donabed whose telephone number is (571) 270-3526. The examiner can normally be reached on Monday-Friday, 7:30 AM-5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ninos Donabed
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BENNY Q. TIEU
SPE/TRAINER